

# SUMMARY

Monday, September 19, 2005  
Revised: Friday, September 30, 2005



## Homes and Restaurants Workgroup Meeting

**Held: September 14, 2005**

**Meeting Location/Address:**

**NJDEP Headquarters Building, 401 E. State St., Trenton, NJ**

**Meeting called by: Ray Papalski**

**Co-Facilitators: Sandra Cohen, Laura Scatena**

### **Attendees:**

#### State Team Members:

1. Ray Papalski, Workgroup Leader, New Jersey Department of Environmental Protection (NJDEP), Division of Air Quality Planning (DAQ), Bureau of Air Quality Planning (BAQP)
2. Sandra Cohen, Co-Facilitator, NJDEP DAQ BAQP
3. Frank Matula, NJDEP, DAQ, Bureau of Technical Services
4. Tom Pitcherello, New Jersey Department of Community Affairs (NJDECA)
5. Jim Scarvalli, NJDEP, Division of Compliance and Enforcement (DCE), Minor Source Compliance Investigation
6. Laura Scatena, Co-Facilitator, NJDEP DAQ BAQP

#### Participants:

1. Adeline Arnold, Aberdeen Township Environmental and Shade Tree Advisory Board (by phone)
2. Steve Brown, LCSysystems, Inc. (by phone)
3. Kenneth Fradkin, United States Environmental Protection Agency (USEPA) Region 2 (by phone)
4. Jack Goldman, Hearth, Patio & Barbecue Association (HPBA) (by phone)
5. Ronald Jackson, New Jersey Board of Public Utilities (NJBPU), Office of Clean Energy
6. Anne Leimbach, Mid-Atlantic HPBA (by phone)
7. Jeff Lynch, White Castle (by phone)
8. Jeff Miller, White Castle (by phone)
9. Vince Patram, Engelhard Corporation
10. Arnold Schmidt, Union County Health Department
11. Rich Vaccaro, Madisan-Vector
12. Ed Wengryn, New Jersey Farm Bureau
13. John Whitaker, White Castle
14. T. Wong, White Castle (by phone)
15. Jerry Woodward, Hearth and Home Technologies (by phone)

*Please send your complete contact information to [airworkgroup@dep.state.nj.us](mailto:airworkgroup@dep.state.nj.us), if you have not done so.*

### **Materials:**

1. [Agenda](#)
2. [Last meeting summary \(8-17-05\)](#)
3. Consultation meeting minutes (8-11-05) (sent by email 9/7/05 and 9/13/05) (hardcopy)
4. Draft Recommendations (sent by email 9/9/05 and 9/13/05) (hardcopy)
5. Prioritized List of Ideas (sent by email 9/9/05) (hardcopy)
6. Assignment Tracking (sent by email 9/7/05) (hardcopy)

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## Introduction/Announcements

1. Roll call (21 participants, see list above)
  2. Review meeting agenda
    - The purpose of the meeting was to wrap-up previous discussions on recommendations for further consideration and incorporate them into the report.
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## Overview

1. Review minutes from previous meeting and obtain feedback.
    - The minutes from previous meetings were emailed to the workgroup. Members were reminded that they may send feedback on the minutes.
  2. Report out on assignments completed/status.
    - There were assignments/action items from previous meetings that were not completed. A request was made to send the information to the workgroup team so that the NJDEP has the information to make informed decisions on the recommendations submitted by the workgroup.
  3. Follow-up on Old Business.
    - This was the main purpose of the meeting. See next 'Overview' agenda item.
  4. Introduce topics for this meeting.
    - The goal of the workgroup: To discuss ideas to reduce air pollution from the air emission sources in the Homes and Restaurants category and list all ideas suggested by the workgroup members that will be included in the workgroup report to be sent to the NJDEP Management.
    - Consensus was not needed for every recommendation and for those who had an opposing view may provide additional comments through a white paper that will be included in the report as an appendix.
    - Future goals:
      - September 30: Draft version of the workgroup report reviewed by members
      - October 31: Final workgroup report submitted to the NJDEP
    - Request for comments/feedback/questions?
      - None
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## Discussion: Wrap-Up and Review

Agenda Items:

1. Consensus Items
2. Non-Consensus Items
3. What did we miss in the Homes and Restaurant category?

These 3 agenda items were discussed simultaneously as the workgroup reviewed the draft recommendations and prioritized list of ideas. A laptop and projector were used at the meeting to make changes as items were being discussed. Please see the updated version of these lists.

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## Topic 1: Idea Table: Request for corrections and comments

### Discussion:

- Document reviewed: The comprehensive table of ideas from the workgroup members
- The only change requested was for Recommendation O11 (please see revised table for changes)

**Conclusion:** None

**Action Items/Person(s) responsible/Deadline:** None

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## Topic 2: Priority List, A. Public Education and Outreach

### Discussion:

- With respect to public education and outreach, suggestions were made regarding the NJDEP website: (1) The pathways to the workgroup webpages should be easier, (2) the workgroups should have a permanent website, and (3) average citizens should be automatically notified on updates or issues of concern, e.g., Ozone Alert Days. In response to item (3), the only notification at the time of the meeting was the listservs. For any additional comments on the NJDEP website, Sandra Cohen may be contacted. *(Please see the Homes and Restaurants Member List for complete contact information.)*
  - Additional suggestions were made for expanding the scope of the public education and outreach strategy:
    1. Expand B3 to include traditional avenues, such as newspapers, letters to the editor, fact sheets,
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Public Service Announcements (PSAs)

2. Model an air education and outreach strategy after the nonpoint source/stormwater campaign since it is a similar effort with similar goals ([www.cleanwater.org](http://www.cleanwater.org)). An example of an outreach effort was the municipality newsletters with simple fact sheets about stormwater and what citizens should and should not do to reduce stormwater pollution.
- Z2 was changed to state "Expand" rather than "Extend" since extending the program created confusion and did not infer that the recommendation meant to increase the universe of eligible appliances and increase the amount of the rebates.
- In response to increasing the amount of rebates, other sources of funding would need further investigation since the NJBPU has a limited budget (more projects than available funding). Such sources included federal grants, e.g., EPA, NOAA – could be modeled after the NJDEP's water program. An air program may be eligible for Clean Water Act Section 319 funds if a correlation between air and water quality is demonstrated.

**Conclusion:** With the changes discussed and comments made, the table and report will be updated and the workgroup will review for additional comments.

**Action Items/Person(s) responsible/Deadline:**

1. Add any discussion notes into the recommendation table – H&R Team \*Done
2. Write a detailed analysis for this section in the report – H&R Team

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**Topic 3: Priority List, B. Regional Wood Stove Change-Out Program**

**Discussion:**

- N4: Consensus to keep the recommendation but specify the options for a change-out program: USEPA-certified stoves, natural gas, and propane
- N6 suggestions for changes, additions:
  1. Include conversion to gas or alternative fuel
  2. Inspect fireplace and stove upon change/sale of home
  3. Change the UIC code, with the possibility of modeling the strategy after New Jersey's stormwater program (*Fits into the standards of wood burning equipment – see section D.*)
  4. Add training requirement for inspectors; cross-reference to that requirement listed under recommendation N9.
  5. Reference National Fire Protection Association (NFPA) 211 standards, Chapter 11, which could be adopted as local code (ANJEC (voluntary) or rule (mandatory)). The standards suggest annual checking of system on an annual basis and a more intensive clean-out of the unit. (*Fits into the standards of wood burning equipment – see section D.*)
    - There were differing views on whether the standards address efficiency in addition to fire prevention and whether the build-up of creosote or proper operation affecting efficiency was the problem.
  6. For those who have units or purchase new units, add a newsletter explaining the applicable regulatory requirements.
  7. For inspections of units, consider including insurance company criteria based on homeowner surveys in order to issue a policy, banks (i.e., mortgage criteria), and fire department inspections, in addition to the home inspection requirements listed as part of the strategy.
- The goal of the measure was to get at existing units, which are more polluting. At the time of the meeting, there were ASTM task forces reviewing options for wood burning units such as adding a catalyst at the bottom of the vent or putting doors on a unit to achieve potential emission standards. (*Comment fits into the standards of wood burning equipment – see section D.*)

**Conclusion:** With the changes discussed and comments made, the table and report will be updated and the workgroup will review for additional comments.

**Action Items/Person(s) responsible/Deadline:**

1. Add any discussion notes into the recommendation table – H&R Team \*Done
  2. Write a detailed analysis for this section in the report – H&R Team
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## Topic 4: Priority List, C. Neighbor-to-Neighbor Complaints

### Discussion:

- B12: The New Jersey Air Pollution Control Act (APCA) exempts 1 and 2 family residences; therefore, changing the State APCA allows local governments to regulate residential wood burning. Many homes in New Jersey are within close proximity to each other, thus making the strategy applicable to improving indoor air quality as it applies to public health. B12 does not address residential BBQs/grills but there was still a question of how to address residential use of outdoor smokers/smokehouses.
- A suggestion was made to make "C" last as complaints are reactive and most municipalities require nuisance codes. The workgroup members agreed.

**Conclusion:** With the changes discussed and comments made, the table and report will be updated and the workgroup will review for additional comments.

### Action Items/Person(s) responsible/Deadline:

1. Add any discussion notes into the recommendation table – H&R Team \*Done
2. Write a detailed analysis for this section in the report – H&R Team

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## Topic 5: Priority List, D. Standards for Wood Burning Equipment

### Discussion:

- Comments on the recommendations for further consideration listed under section D:
  1. Current ASTM effort, including members of industry: analyzing options for technical standards.
  2. Banning outdoor wood boilers could prevent the generation of new, more efficient technology. Currently, there are 15 manufacturers nationally, which would probably be reduced once regulations are in place.
    - May also violate Interstate Transport of Commerce Laws
  3. A building permit is required under New Jersey's DCA code. A need exists for variation in the code but there are no criteria to do so. Therefore, the strategy should include siting criteria, standards on equipment, and fuel source.
    - A permit for outdoor wood boilers would be required in New Jersey. Upon issuance of permit, information regarding regulations and requirements would be included; done by local permitting and regulating type of fuel.
    - Replace O16 with O14 and then expand to address fuel source restrictions as well as siting and stack height (NJDCA) regulations. *This was also added to ID# O15. If there are any issues with this change, please contact the Homes and Restaurants Workgroup.*
  4. Add: Manufacturer warranty restrictions and "best burn practices" plus state regulations
  5. Counties may want to restrict/ban units based on health concerns
  6. A wood boiler is a wood burning appliance but it is not open burning, therefore Subchapter 2 does not apply.
  7. Add: Implement local restrictions on what can be burned in outdoor wood burning practices
  8. Add: Grandfather existing units (until change of unit of sale of house, which would require a permit)
    - The strategy does not grandfather improper fuel source
    - Outdoor wood boilers are a small segment of the heating system population
  9. Adopt Washington/Oregon standards – agreed upon
    - N8: Cross-reference to NJDCA codes – agreed upon
    - Change home inspector to code official
  10. N5: Delete from Section D; note: cost-prohibitive
    - Add an education and outreach component at the point of sale and/or through local government fact sheets, etc.
  11. N9: Precludes licensed contractors. A brief discussion followed regarding whether the retailer should be responsible for training installers or provide lessons to homeowners wanting to install units on their own. There was general consensus among the workgroup that a retailer should not have this responsibility for safety reasons since the units are combustion units. Even if a homeowner decided to do a self-installation of a unit, a local permit and construction inspection would still be required.
    - In the Pittsburgh change-out program, buyers wanted to install replacements themselves and this was generally accepted. However, it was suggested that installation would need to be clarified for a program, including the cost to install a unit, which would depend on the condition of the unit/system. (N4)

- Suggestion: Add free installation as part of the rebate or reduce the fixed value (*N4*)
  - The decision on how the rebate works is the retailer's decision but the homeowner would still be eligible for the rebate. To qualify for the rebate, the old stove must be removed. During a change-out program, the need for professional installation (i.e., safety and health issues) should be explained.
  - Suggestion: Incorporate local installation requirements and permits into building a plan for the program

**Conclusion:** With the changes discussed and comments made, the table and report will be updated and the workgroup will review for additional comments.

**Action Items/Person(s) responsible/Deadline:**

1. Add any discussion notes into the recommendation table – H&R Team \*Done
2. Write a detailed analysis for this section in the report – H&R Team

**Topic 6: Priority List, E. Restaurants Controls**

**Discussion:**

- In order to adopt California's standards on charbroiling, make more restrictive standards, or develop New Jersey's own standards, a rulemaking team would be formed and many of the issues raised by the workgroup members would be addressed in this formal process but they cannot be resolved in this workgroup.
- The workgroup was reminded of the USEPA's pilot program for applying charbroiling controls on a restaurant in the Northeast. Suggestions for the restaurant to be selected for the project were discussed (see Action Items).
- Comments on the recommendations for further consideration listed under section E:
  1. Statistics:
    - Air emissions comparisons: Most emissions come from charbroiling (240 burgers from one restaurant is like 3 cars/day, which would be like removing 1000 cars/year)
    - Costs to the restaurant industry in New Jersey: \$440 million (\$20,000 x 22,000 restaurants)
  2. The catalysts that were available to control emissions from restaurant equipment were clarified. There are 2 types of broilers:
    - Charbroilers, which is underfired charbroiling (e.g., Burger King)
    - Upright broilers
      - Catalysts are not available for underfired broilers but this can be investigated.
      - Catalysts are available for upright broilers and would be a new purchase.
  3. California's standards focus more on nitrogen oxide (NO) than particulate matter (PM) (which is one of New Jersey's priorities). The technology used to reduce NO targeted the chemical reactions and not PM removal. Therefore, there are more suitable strategies to reduce PM, e.g., 2-stage filter removal technology that also reduces visible emissions.
    - A recent American National Standards Institute (ANSI) standard could be referenced that was funded by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE).
    - There are new standards that apply to the efficiency of cooking processes. A suggestion was made to consider looking into cooking processes and not just cooking equipment as the emissions can be different.
    - Suggestion: During the regulatory process, do not assume that California is the best model for New Jersey. Also, consider the cross-media impacts (e.g., solid waste generation).
      - California focus: Odors – targeted by chemical reactions
      - New Jersey focus: PM – if filters are used, the amount of trash would increase because the filters are not washable but need to be replaced. Therefore, the volume of chemicals and amount of trash would increase.
  4. Suggestion: Do not regulate area? No significant reductions?

**Conclusion:** With the changes discussed and comments made, the table and report will be updated and the workgroup will review for additional comments.

**Action Items/Person(s) responsible/Deadline:**

1. Arnie Schmidt to send Ray Papalski the restaurant in New Jersey that had a complaint filed against it that uses charbroilers.

2. Add any discussion notes into the recommendation table – H&R Team \*Done
3. Write a detailed analysis for this section in the report – H&R Team

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### Topic 7: Priority List, F. Low Sulfur Fuel Oil for Home Heating

#### Discussion:

- There was consensus among the workgroup members to keep the strategy for a regional low sulfur content limit for home heating oil in the Northeast.
- Given the recent national events (i.e., destruction caused by Hurricane Katrina and the rise in fuel prices), the strategy might not be socially acceptable.
- Refineries in Northeast cannot always accomplish low standards due to their limitation on the types of crude oil they produce.

**Conclusion:** With the comments made, the table and report will be updated and the workgroup will review for additional comments.

#### Action Items/Person(s) responsible/Deadline:

1. Add any discussion notes into the recommendation table – H&R Team \*Done
2. Write a detailed analysis for this section in the report – H&R Team

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### Topic 8: Priority List, G. Homebuilders – Energy Efficiency Options

#### Discussion:

- Comments on the recommendations for further consideration listed under section G:
  1. Include outreach to builders about the availability of rebates for energy efficiency/clean energy options. (Z7)
  2. Add a requirement that future system changes must be equal to or better than the energy efficient/clean energy system, in terms of efficiency. (Z5, Z8)
    - Expand rebates for the other systems; otherwise, they would not be cost-efficient.
  3. Add: Increase marketing, public relations, education, and outreach (e.g., homebuying websites) (Z5)
  4. Add: Investigate tax credits (Z7)
  5. Z6, potential problems: (1) No named buyers for the predesigned energy efficient homes and (2) offsetting the costs of constructing energy efficient homes with the variable nature of home markets.
    - Potential positive outcomes and response to the problems posed: (1) The demand for energy efficient homes might increase, thereby making energy efficient homes marketable for the homebuilder and (2) an independent group would need to analyze demographics (costs to implement Z6).
  6. A general concern was raised as to the responsible party that would cover potential problems and/or environmental threats with energy efficient systems. (Z5, Z6, Z8)
    - One response to this concern was that solar panels, for example, have a warranty for 25-30 years, thereby providing for free replacements if problems arise with the equipment.

**Conclusion:** With the changes discussed and comments made, the table and report will be updated and the workgroup will review for additional comments.

#### Action Items/Person(s) responsible/Deadline:

1. Add any discussion notes into the recommendation table – H&R Team \*Done
2. Write a detailed analysis for this section in the report – H&R Team

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### Topic 9: Priority List, H. Subchapter 2

#### Discussion:

- Comments on the recommendations for further consideration listed under section H:
  1. Change farmland exemption to "farmland/forest assessment eligible" (O4)
    - 5-10% of farmers do not apply to this exemption and applying the idea as is would prevent the 5-10% from practicing best management practices
  2. Delete "severe" – replace with "accepted silvicultural practices, best management practices" (O4)
  3. O8: Consider increased fines
  4. Consider expanding the scope of subchapter 2 to delete exemption for stack or chimney (O18)
    - Change the definition of open burning by removing the language after "...open air...": "Open

burning” means any fire from which the products of combustion are emitted directly into the open air, and are not by design directed through a stack or chimney. [NJAC 7:27-2.1](#)

- Subchapters 4 and 11 were implemented to control stack emissions.
  - Determining the consequences of changing the definition of open burning may be beyond the scope of the workgroup.
5. As discussed in previous meetings, O7 was not intended to exclude campfires but prevent fires on high ozone days, which usually coincide with days that have a high risk of fire when fires are not allowed in parks and state forests.

**Conclusion:** With the changes discussed and comments made, the table and report will be updated and the workgroup will review for additional comments.

**Action Items/Person(s) responsible/Deadline:**

1. Add any discussion notes into the recommendation table – H&R Team \*Done
  2. Write a detailed analysis for this section in the report – H&R Team
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**Wrap-up**

1. Assignments
    - Any outstanding action items should be sent to [airworkgroup@dep.state.nj.us](mailto:airworkgroup@dep.state.nj.us).
  2. Logistics for next steps
    - To be determined at a later date. If members would like to come to the NJDEP for the conference call, they may do so.
  3. Feedback
    - Workgroup members should provide comments on the updated materials (table and report) once they are sent.
    - Request for other feedback: If the workgroup members have any additional comments or suggestions on the workgroup process, they should be sent to [airworkgroup@dep.state.nj.us](mailto:airworkgroup@dep.state.nj.us).
- All information will be posted on the Homes and Restaurants Workgroup website at [http://www.state.nj.us/dep/airworkgroups/home\\_restaurant\\_workgroup.html](http://www.state.nj.us/dep/airworkgroups/home_restaurant_workgroup.html)

**This was the Final HR Workgroup Meeting.**

**A workgroup meeting for all of the workgroups will be held on November 14, 2005 at the NJDEP in Trenton. More details will be posted on the website.**

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